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Page 1 of 2 (Page 2 Not for Public Disclosure)

UNITED STATES DISTRICT COURT
 for the
Middle District of Georgia

United States of America

v.

David Earl Butler

Date of Original Judgment:

10/19/2020

Date of Previous Amended Judgment:

N/A

(Use Date of Last Amended Judgment if Any)

) Case No: 7:18-CR-00032-001
)
) USM No: 00946-120
)
) Timothy Saviello
) Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2) (Amendment 821)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by Amendment 821 to the *United States Sentencing Guidelines*, and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

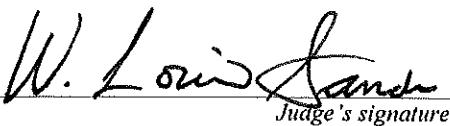
DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of 77 months is reduced to Time Served.

Butler was found guilty by a trial jury on November 14, 2019, of the Superseding Indictment charging him with Possession of a Firearm by a Convicted Felon. The Court adopted the presentence report without change and determined that the total offense level was 24 with a criminal history category IV, which yielded an advisory sentencing range of 77-96 months. He was sentenced to serve 84 months custody followed by three years of supervised release. When calculating his criminal history category, Butler had six criminal history points. An additional two points were added for being under a criminal justice sentence when he committed the instant offense. Based on Amendment 821 to the *United States Sentencing Guidelines*, points are no longer authorized to be added for being under a criminal justice sentence when the instant offense was committed for defendants having six or less criminal history points. The Court grants a reduction in this case. Butler's total criminal history score should be six, which establishes a criminal history category III. A total offense level 24 with a criminal history category III yields an advisory sentencing range of 63-78 months. The government agrees that Butler is eligible for relief and should receive the maximum benefit of the reduction. Butler is scheduled to release from custody on March 20, 2024. The Court reduces Butler's sentence to a term of time served, effective February 1, 2024.

Except as otherwise provided, all provisions of the judgment dated 10/19/2020 shall remain in effect.

IT IS SO ORDERED.

Order Date:

1/3/2023

 W. Louis Sands
 Judge's signature
Effective Date: February 1, 2024

(if different from order date)

W. Louis Sands, Senior U.S. District Judge

Printed name and title

**This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)**

DEFENDANT: David Earl Butler

CASE NUMBER: 7:18-CR-00032-001

DISTRICT: Middle Georgia

I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)

Previous Total Offense Level: 24

New Total Offense Level: 24

Amended Criminal History

Criminal History Category: IV

Category: III

Previous Guideline Range: 77 to 96 months

Amended Guideline Range: 63 to 78 months

II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- The reduced sentence is above the amended guideline range.

III. ADDITIONAL COMMENTS